

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SILVO R. ILLESCAS,

Plaintiff,

-against-

ANTHONY J. ANNUCCI et al,

Defendants.

NELSON S. ROMÁN, United States District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/07/2023

No. 21 Civ 8473 (NSR)

SECOND SUPPLEMENTAL ORDER  
OF SERVICE

Plaintiff Silvio R. Illescas, currently incarcerated at Cocksackie Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants were deliberately indifferent to his serious medical needs. By order dated November 9, 2021, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. On July 31, 2023, Plaintiff filed his Amended Complaint and added defendants Nicolet T. Thompson; John Doe Correctional Officer #1, #2, #3, #4; Dr. Mohammed; Dr. Odenlyl; Susanna Nayshuler; Dr. Kim, and Mary N. Ashong. (ECF No. 117.) On August 2, 2023, the Court issued a Supplemental Order of Service for the newly added Defendants Thompson; John Doe Correctional Officer #1, #2, #3, #4; Dr. Mohammed; Dr. Odenlyl; Nayshuler; and Dr. Kim (ECF No. 119), but inadvertently omitted Mary N. Ashong. Because Mary N. Ashong was not previously served, the Court issues a Supplemental Order of Service herein.

**DISCUSSION**

**A. Order of Service**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process

. . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendant Mary N. Ashong through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for this Defendant. The Clerk of Court is further instructed to issue summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon this Defendant.

If the Amended Complaint is not served within 90 days after the date the summons are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

#### **B. *Valentin Order***

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant or an unknown address. 121 F.3d 72, 76 (2d Cir. 1997); *Stephen v. Hall*, No. 19CV2225JPOVF, 2022 WL 6765791, at \*1 (S.D.N.Y. Oct. 11, 2022) (“The Court routinely uses Valentin Orders” in order to help pro se prisoners identify unknown defendants and/or addresses where they can be served.”).

The Amended Complaint names Dr. Mohammed as a defendant. The U.S. Marshals Service recently filed an unexecuted Marshal Process Receipt for service upon Dr. Mohammed. It is therefore ordered that the New York State Attorney General, who is the attorney for and agent of Department of Corrections and Community Supervision, to ascertain a service address for Dr.

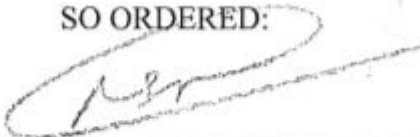
Mohamme. The Attorney General must provide this information to Plaintiff and the Court within twenty-one days of the date of this order.

After receiving this information, the Court will direct the Clerk of Court to issue an order directing the Clerk of Court to complete the USM-285 form with the address for Dr. Mohammed and deliver all documents necessary to effect service to the U.S. Marshals Service.

### CONCLUSION

The Clerk of Court is directed to: (1) complete the USM-285 form with the address for: Mary N. Ashong, and deliver all documents necessary to effect service to the U.S. Marshals Service and (2) mail a copy of this order to the New York State Attorney General's Office at 28 Liberty Street, 16th Fl., New York, New York, 10005. The Clerk of Court is respectfully directed to mail a copy of this Order to *pro se* Plaintiff at Plaintiff's address listed on ECF and to show service on the docket. SO ORDERED.

Dated: November 7, 2023  
White Plains, NY

SO ORDERED:  
  
\_\_\_\_\_  
NELSON S. ROMÁN  
United States District Judge

**DEFENDANT AND SERVICE ADDRESS**

1. Mary N. Ashong  
Green Haven Correctional Facility  
594 Rt. 216  
Stormville, NY 12582-0010